

PROPOSED ORDINANCE NO. 176 - 2018

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE GRANT OF AN EASEMENT TO LONG ISLAND ELECTRIC UTILITY SERVCO, LLC AS AGENT OF AND ACTING ON BEHALF OF LONG ISLAND LIGHTING COMPANY D/B/A LIPA OVER A PARCEL OF COUNTY-OWNED REAL PROPERTY SITUATED IN PLAINVIEW, TOWN OF OYSTER BAY, COUNTY OF NASSAU, STATE OF NEW YORK, SAID REAL PROPERTY KNOWN AS SECTION 13, BLOCK 89, PART OF LOT 32 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN EASEMENT AGREEMENT AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO GRANT SUCH EASEMENT.

WHEREAS, the County of Nassau did heretofore acquire title to the above-described property (the “Premises”); and

WHEREAS, Long Island Electric Utility Servco, LLC, as agent of and acting on behalf of Long Island Lighting Company d/b/a LIPA (the “Grantee”) desires to construct, operate and maintain an electrical utility substation and related equipment on the Premises to upgrade capacity and to provide for electrical transmission and interconnection facilities in the adjoining service area; and

WHEREAS, the Grantee has requested that the County grant to the Grantee an easement (the “Easement”) over the Premises to install and maintain such substation and related transmission and interconnection electric facilities; and

WHEREAS, the Grantee has executed an easement agreement (the “Easement Agreement”) containing terms and conditions relating to the creation of the Easement; and

WHEREAS, the County has determined that a grant of the Easement over the Premises will not pose a hardship to the County's use of the Premises; and

WHEREAS, the County has no objection to the grant of the Easement over the Premises, subject to the terms and conditions contained in the Easement Agreement; and

WHEREAS, in accordance with Section 1611 of the Nassau County Charter and acting in an advisory capacity to the Nassau County Legislature, the Nassau County Planning Commission has reviewed the proposed action, namely the grant of the Easement over the Premises, and determined that it is an "Unlisted Action" pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and has further reviewed the Environmental Assessment Form ("EAF") for the proposed action and recommends that the Legislature, upon its review of the ("EAF") and any supporting documentation, if any, determine that the evidence before it indicates that the proposed action will have no significant environmental impact and does not require further environmental review; and

WHEREAS, the Nassau County Planning Commission, acting in an advisory capacity to the Nassau County Legislature, passed a resolution regarding the proposed action, a copy of such resolution being attached hereto as Appendix A and incorporated herein, recommending that the Legislature conclude that no further environmental review or action is required on such proposed action.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

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SECTION 1. That the County Executive be and is hereby authorized to grant the Easement over the Premises, which Premises is more particularly described as follows:

All that certain plot, piece or parcel of land situate, lying and being in the unincorporated area known as Plainview, Town of Oyster Bay, County of Nassau, State of New York, known and designated as Section 13, Block 89, part of Lot 32 on the Land and Tax Map of the County of Nassau as more fully bounded and described in Schedule A attached hereto

subject to all of the terms and conditions as outlined in the Easement Agreement

SECTION 2. That the County Executive be and she is hereby authorized to execute on behalf of the County of Nassau, the Easement Agreement, subject to all the terms and conditions as contained in said Easement Agreement.

SECTION 3. That the County Executive is hereby authorized to execute any and all ancillary documents necessary to carry out the purposes of the Easement Agreement.

SECTION 4. That it is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the proposed grant of the Easement over the Premises, has been determined not to have a significant effect on the environment and no further review is required for the reasons set forth in the attached Determination of Non-Significance.

SECTION 5. This Ordinance shall take effect immediately.